

REMARKS

Favorable reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-21 are pending in the application, with claims 1, 11, and 20 being the only independent claims. Claims 1, 3, 4, 7, 11, 13-15, 18, and 20 have been amended herein to improve their form. Support for the amendments can be found throughout the originally filed disclosure. Therefore, it is submitted that no new matter has been added.

Claim 13 stands objected to due to a minor informality. Claim 13 has been amended to correct this matter. Therefore, this objection has been overcome.

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As amended, Claim 7 is now dependent on Claim 2. The rejection of Claim 7 under 35 U.S.C. § 112, second paragraph, is therefore deemed to be overcome and should be withdrawn.

Claims 1-5, 7, 8, 10-16, and 18-21 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Williams et al. (U.S. Patent No. 5,815,657).

Claims 11, 12, 14-16, and 18-20 are cited as being in parallel with the limitations in Claims 1-5 and 7-8. Thus, they stand rejected on the same basis under 35 U.S.C. § 102(b).

Claims 6 and 17 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Williams et al. in view of Rose et al. (U.S. Patent No. 5,757,917).

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams et al. in view of Campbell et al. (U.S. Patent Application Publication No. 2002/0023033 A1).

These rejections are respectfully traversed. It is submitted that the rejected claims recite features not taught or suggested by the cited art, as set forth below.

For example, Williams et al. does not disclose or suggest a method for identifying payment systems for facilitating the processing of payments with the combination of features recited in independent Claim 1. For example, Claim 1 recites returning an identification of the one or more located payment systems, if any, to process the transaction, including information indicating whether the located payment systems match the payment criteria.

The Office Action admits that Williams et al. does not disclose “identifying, along with the one or more located payments, a rating indicating how closely the one or more payment systems match the payment criteria.” The Office Action, however, relies on Campbell et al. as allegedly disclosing, at ¶ 115, “ranking the matched criteria.”

Campbell et al. generally relates to a method and system for brokering commercial transactions between an originator and a provider through a communications network (Abstract). For example, when a communication processor, such as a server, within the system receives the RFP (request for proposal) from an originator, the communication server matches the RFP with registered providers who have expressed an interest in the financing and/or industry sector specified in the originator's RFP. In response to the RFP distributed to the selected providers, the communication server receives provisional electronic proposals from the providers interested in participating in the transaction (Campbell et al. at ¶ 36).

System 100 also generates a response report summary of all proposals received, based on each provider's response to the originator's RFP, as shown in Fig. 7 of Campbell et al. These responses include “the project name, RFP (request for proposal) identifier, provider response, provider participation level, provider rates, provider fees, provider conditions, and any related attachments” (Campbell et al. ¶ 115).

However, because these “responses” are ranked according to the originator's expressed preference in the RFP, the information ranked by Campbell et al. does not teach

or suggest an identification of located payment systems, including information indicating whether the located payment systems match the payment criteria, as recited in independent Claim 1. Therefore, Campbell et al. does not teach or suggest a method for identifying payment systems for facilitating the processing of payments, as recited in amended independent Claim 1.

Independent Claim 11 recites a method that also includes a step of returning an identification of the one or more located payment systems, if any, to process the transaction, including information indicating whether the located payment systems match the payment criteria. Similar to the case with respect to Claim 1, it is submitted that the “ranked” responses of Campbell et al. do not constitute information indicating whether located payment systems match the payment criteria, recited in amended Claim 11.

Independent Claim 20 recites a method for a user to have payment systems selected for facilitating the processing of payments. As with Claim 1 discussed above, it is submitted that the “ranked” responses of Campbell et al. cannot be understood to equate the information indicating whether the located payment systems match the payment criteria, as recited in independent Claim 20.

For at least the foregoing reasons, it is submitted that independent Claims 1, 11, and 20 recite features not taught or suggested by neither Williams et al. nor Campbell et al. Accordingly, Applicants submit that the rejections under 35 U.S.C. § 102 in view of Williams et al., and the rejection under 35 U.S.C. § 102 in view of Williams et al. and Campbell et al. have been overcome. Furthermore, Applicants respectfully submit that the secondary citation to Rose et al. does not disclose or suggest “returning an identification of the one or more located payment systems, if any, to process the transaction, including information indicating whether the located payment systems match the payment criteria,” as recited in the amended independent claims. Accordingly, Applicants submit the rejection under 35 U.S.C. § 102 in view of Williams et al. and Rose et al. has been

overcome.

Dependent Claims 2-10, 12-19, and 21 recite features of the present invention in addition to those recited in the independent claims from which they depend. Further individual consideration of the dependent claims is requested.

Claims 1-21 were also rejected on provisional double patenting grounds for allegedly being unpatentable over the claims in co-pending Application No. 10/611,034. In view of the claim amendments shown above, reconsideration and withdrawal of the rejection is deemed to be in order, as it is submitted that the claims of the Application No. 10/611,034 no longer render obvious the claims of the present application. Should the double-patenting rejection not be deemed to be overcome in view of the foregoing amendments, it is respectfully requested that the rejection be held in abeyance until such time that the claims in the co-pending application or the present application are found to be allowable.

It is submitted the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 set forth in the Office Action, and a Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in Washington, D.C. at (202) 530-1010. All correspondence should continue to be directed to the address given below.

Respectfully submitted,

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